

From: [Rodriguez, Sebastian](#)
To: [Paul McManus](#); bhoskins@fslassociates.com; "Craig Ziady"
Subject: RE: sample collection - off-site ponds - Beverly, MA
Date: Monday, August 03, 2020 9:03:00 AM
Attachments: [image003.png](#)

Hi Paul,

That is indeed the Mill Pond Reservoir that I was hoping for background samples to be collected from. My understanding of the Town of Danvers' ownership is based on conversations with the Town's Forestry and Grounds supervisor- I spoke with him twice last week and explained a little bit about our situation, and he indicated that he is able and willing to sign a property access agreement and that he has no problem with samples being collected, unless you have heard differently in your conversations with the Town Manager. I will include you all in a response to the grounds supervisor to get us all on the same page re: coordinating this.

Thanks.

From: Paul McManus <pmcmanus@ecotecinc.com>
Sent: Friday, July 24, 2020 12:26 PM
To: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>; bhoskins@fslassociates.com; 'Craig Ziady' <craig@cummings.com>
Subject: RE: sample collection - off-site ponds - Beverly, MA

Hi Sebastian:

I've been trying to sort out your request for background samples in "Mill Pond Reservoir" in Danvers. I'm guessing that you mean "Mill Pond" and not Putnamville Reservoir (see USGS snip below). Correct?



According to Assessor's GIS info, Putnamville Reservoir is owned by the Salem and Beverly Water Supply Board. GIS does not list an owner of Mill Pond.

The NE shoreline of Mill Pond is associated with the commercial parcel to the north, while the SE shoreline along Sylvan Street does not show a property line distinct from Sylvan Street (see image below from GIS). You note Town ownership - how did you reach that conclusion?



I am attempting to seek access permission to sample Mill Pond through the Town Manager.

Paul J. McManus, LSP, PWS – EcoTec – pmcmanus@ecotecinc.com

From: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>

Sent: Thursday, July 16, 2020 3:05 PM

To: Paul McManus <pmcmanus@ecotecinc.com>; [bhoshkins@fslassociates.com](mailto:bhoskins@fslassociates.com); 'Craig Ziady' <craig@cummings.com>

Subject: RE: sample collection - off-site ponds - Beverly, MA

Hi Paul,

I've been doing some additional research on suitable candidates for background sampling. I am trying to remain flexible, although I do maintain that having background data from at least 3 separate environments will allow for a better understanding of true background conditions and minimize questions later. Unfortunately several of the additional locations I have continued to scout were either unsuitable or, upon further research, were owned by the same property owners as the originally proposed Kelleher Pond, which wouldn't help. You're correct- I had misidentified the Grover St body of water as a pond, but it is indeed a deep marsh habitat. Thank you for catching that. The Mill Pond Reservoir in Danvers (reasonably close to the site) may be more suitable of a location to collect background samples; the City of Danvers appears to own at least a portion of the Pond. If property access can be obtained, EPA would accept background samples from Mill Pond in lieu of the samples from Kelleher Pond.

I do hope that the Mill Pond is able to be sampled, as I am eager to see the BERA move forward. If for whatever reason

access remains an issue, feel free to propose some additional locations to be sampled and I will weigh in. I will certainly try to be as flexible as possible.

Thanks.

From: Paul McManus <pmcmanus@ecotecinc.com>

Sent: Monday, July 13, 2020 1:39 PM

To: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>; bhoskins@fslassociates.com; 'Craig Ziady' <craig@cummings.com>

Subject: RE: sample collection - off-site ponds - Beverly, MA

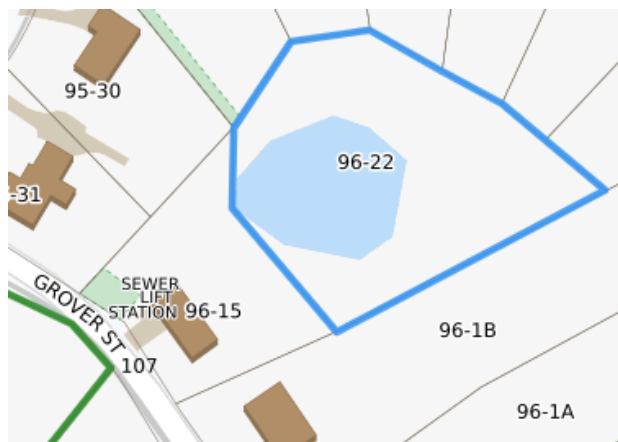
Hi Sebastian. I was away last week on vacation and am catching up on emails...

Is the image below the property you're describing? I have researched the ownership and it appears to be a single family house lot owned by the same folks since 1998. MassGIS identifies the wetland area as a "Deep Marsh" rather than open water. I'm happy to pursue this, but wanted to point out that it is not really an analogous environment to the Shoe Ponds.

Please verify that I'm looking at the spot you have indicated:



I note that the NW of 95 Grover Street (rear of 107 Grover street) there is a small open water area (according to MassGIS) but that parcel is also likely another "orphan" since the last deed reference in City of Beverly records is transfer from a realty trust to Old Stone Bank.





Thanks, Paul

Paul J. McManus, LSP, PWS – EcoTec – pmcmanus@ecotecinc.com

From: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>
Sent: Wednesday, July 1, 2020 6:31 PM
To: Paul McManus <pmcmanus@ecotecinc.com>; [bhaskins@flassociates.com](mailto:bhoskins@flassociates.com); 'Craig Ziady' <craig@cummings.com>
Subject: RE: sample collection - off-site ponds - Beverly, MA

Hi Paul et. al,

I'm sorry to hear that you're still having trouble with property access. I did some research myself the past few days and your suspicion of the homeowner's association not getting together was correct, unfortunately.

I've looked around a little more and there is a pond to the rear of property located at 95 Grover St in Beverly. While it is a little bit further away from the site than the earlier suggestions, it is located away from major roadways/industry, and should provide a suitable location for background samples in place of Kelleher Pond/Willow Pond. The card for the property with access to this water body can be reviewed here: <http://beverly.patriotproperties.com/Summary.asp?AccountNumber=11556>.

Hopefully access for this body of water should be a bit easier. Let me know if issues arise with this second alternate sampling location (although I do hope that this will not be the case).

Thanks and I hope you all enjoy the upcoming holiday weekend.

-Sebastian

From: Paul McManus <pmcmanus@ecotecinc.com>
Sent: Monday, June 29, 2020 4:39 PM
To: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>; [bhaskins@flassociates.com](mailto:bhoskins@flassociates.com); 'Craig Ziady' <craig@cummings.com>
Subject: RE: sample collection - off-site ponds - Beverly, MA

Sebastian: Unfortunately today I received back from the post office as undeliverable my letter attempting to get access to Willow Pond for background sampling. I have attached for your info:

- Assessors info
- Deed
- Copy of my letter
- Scan of returned envelope

My guess is that the subject parcel may be the “leftover” from when the subdivision was created. I have seen this sort of thing before, where the original intent was that a homeowners association was supposed to be formed to own and care for such a common area, but the association just never gets put together. The “Property Owner - NOT AVAILABLE” designation on the Beverly Assessors records would be consistent with my theory, but keep in mind that the scenario that I describe is just a guess on my part.

I tried to use the deed info to address my letter, and don't know where else to go, beyond the info attached.

As discussed previously, without access permission, I can't trespass to do the requested sampling.

Paul J. McManus, LSP, PWS – EcoTec – pmcmanus@ecotecinc.com

From: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>
Sent: Tuesday, June 16, 2020 6:33 PM
To: [bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com); Paul McManus <pmcmanus@ecotecinc.com>; 'Craig Ziady' <craig@cummings.com>
Subject: RE: sample collection - off-site ponds

Hello Bruce, Craig, and Paul,

Thank you for taking the time to discuss the upcoming sampling event at the USM site with me. I was sorry to hear that you are having issues obtaining access to Kelleher Pond. Should access to Kelleher Pond continue to be an issue, we think that it will be appropriate to instead collect sediment samples from the water body (Willow Pond) located at 21 Meadow Road in Beverly as they are of similar size and distance to the former USM property. The property card for this can be reviewed here (<http://beverly.patriotproperties.com/Summary.asp?AccountNumber=9119>). Both Kelleher Pond and Willow Pond are abutted mainly by residential properties.

If Cummings does decide to proceed with sampling Willow Pond in lieu of sample collection from Kelleher Pond, please keep me informed as you move forward and if site access becomes an issue for this property as well.

Best,

Sebastian

From: [bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com) <[bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com)>
Sent: Friday, June 12, 2020 3:46 PM
To: 'Paul McManus' <pmcmanus@ecotecinc.com>; Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>; 'Craig Ziady' <craig@cummings.com>
Cc: Zucker, Audrey <Zucker.Audrey@epa.gov>; Wainberg, Daniel <Wainberg.Daniel@epa.gov>; 'Steve Drohosky' <sjd@cummings.com>
Subject: RE: sample collection - off-site ponds

Very Good. Till Tuesday then.

Bruce A. Hoskins, P.E., LSP
FSL Associates, Inc.
358 Chestnut Hill Avenue
Boston, MA 02315
(617) 232-0001 (Office)
(603) 548-8857 (Cell)

From: Paul McManus <pmcmanus@ecotecinc.com>
Sent: Friday, June 12, 2020 3:44 PM
To: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>; Craig Ziady <craig@cummings.com>
Cc: Zucker, Audrey <Zucker.Audrey@epa.gov>; Wainberg, Daniel <Wainberg.Daniel@epa.gov>; [bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com); Steve Drohosky <sjd@cummings.com>

Subject: RE: sample collection - off-site ponds

Confirmed: Tuesday (6/16) at 2 PM.

Have a nice weekend all!

Paul J. McManus, LSP, PWS – EcoTec – pmcmanus@ecotecinc.com

From: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>
Sent: Friday, June 12, 2020 3:41 PM
To: Craig Ziady <craig@cummings.com>
Cc: Zucker, Audrey <Zucker.Audrey@epa.gov>; Wainberg, Daniel <Wainberg.Daniel@epa.gov>; [bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com); Paul McManus <pmcmanus@ecotecinc.com>; Steve Drohosky <sjd@cummings.com>
Subject: RE: sample collection - off-site ponds

Sure thing, Craig. See below for instructions for the EPA conference line I've got set up:

1. Dial the audio conferencing pilot number 617-918-2222
2. When prompted, enter the conference extension 71288.
3. When prompted again, press 2 as a participant.
4. Enter the Participant passcode: 123456.

Looking forward to checking in.

From: Craig Ziady <craig@cummings.com>
Sent: Friday, June 12, 2020 3:39 PM
To: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>
Cc: Zucker, Audrey <Zucker.Audrey@epa.gov>; Wainberg, Daniel <Wainberg.Daniel@epa.gov>; [bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com); 'Paul McManus' <pmcmanus@ecotecinc.com>; Steve Drohosky <sjd@cummings.com>
Subject: RE: sample collection - off-site ponds

That would be great. Thank you.

*Craig J. Ziady
Senior Vice President & General Counsel
Cummings Properties, LLC
200 West Cummings Park
Woburn, MA 01801
Direct dial: 781-932-7034
Main No.: 781-935-8000
www.cummings.com*

The information contained in this message may be privileged, confidential, and/or protected from disclosure. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it (and all attachments) from your computer.

From: Rodriguez, Sebastian [<mailto:rodriguez.sebastian@epa.gov>]
Sent: Friday, June 12, 2020 3:37 PM
To: Craig Ziady
Cc: Zucker, Audrey; Wainberg, Daniel; [bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com); 'Paul McManus'; Steve Drohosky
Subject: RE: sample collection - off-site ponds

Hi Craig, Tuesday (6/16) at 2 PM works for me. Should I set up a call in number?

From: Craig Ziady <craig@cummings.com>
Sent: Friday, June 12, 2020 3:33 PM
To: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>
Cc: Zucker, Audrey <Zucker.Audrey@epa.gov>; Wainberg, Daniel <Wainberg.Daniel@epa.gov>; [bhaskins@flassociates.com](mailto:bhoskins@flassociates.com); 'Paul McManus' <pmcmanus@ecotecinc.com>; Steve Drohosky <sjd@cummings.com>
Subject: RE: sample collection - off-site ponds

Hi again Sebastian – Bruce, Paul, and I were speaking today about arranging the pond sampling. Do you have any availability Monday or Tuesday of next week (after 1:00 P.M. on either day) to speak with us about a few details related to next steps? Thanks very much.

Best,
Craig

Craig J. Ziady
Senior Vice President & General Counsel
Cummings Properties, LLC
200 West Cummings Park
Woburn, MA 01801
Direct dial: 781-932-7034
Main No.: 781-935-8000
www.cummings.com

The information contained in this message may be privileged, confidential, and/or protected from disclosure. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it (and all attachments) from your computer.

From: Rodriguez, Sebastian [<mailto:rodriguez.sebastian@epa.gov>]
Sent: Thursday, June 11, 2020 2:10 PM
To: Craig Ziady
Cc: Zucker, Audrey; Wainberg, Daniel; [bhaskins@flassociates.com](mailto:bhoskins@flassociates.com); Steve Drohosky
Subject: RE: sample collection - off-site ponds

Sounds good, Craig. I see no issue with collecting the sediment samples over a few mobilizations, as social distancing allows. Do you have a target timeframe for when you were hoping to collect the first samples?

From: Craig Ziady <craig@cummings.com>
Sent: Thursday, June 11, 2020 2:07 PM
To: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>
Cc: Zucker, Audrey <Zucker.Audrey@epa.gov>; Wainberg, Daniel <Wainberg.Daniel@epa.gov>; [bhaskins@flassociates.com](mailto:bhoskins@flassociates.com); Steve Drohosky <sjd@cummings.com>
Subject: RE: sample collection - off-site ponds

Thanks Sebastian – We have not “forgotten” about the third requested off-site pond, but we have not been able to secure access to it as of yet, so we do not currently have a specific timetable for collecting samples from it.

Craig J. Ziady
Senior Vice President & General Counsel
Cummings Properties, LLC
200 West Cummings Park
Woburn, MA 01801
Direct dial: 781-932-7034
Main No.: 781-935-8000
www.cummings.com

The information contained in this message may be privileged, confidential, and/or protected from disclosure. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it (and all attachments) from your computer.

From: Rodriguez, Sebastian [<mailto:rodriguez.sebastian@epa.gov>]
Sent: Thursday, June 11, 2020 2:04 PM

To: Craig Ziady
Cc: Zucker, Audrey; Wainberg, Daniel; [bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com); Steve Drohosky
Subject: RE: sample collection - off-site ponds

Hi Craig,

I'm holding up well, thankfully; I hope the same is true of you and yours.

A quick point of clarification- you mention that you "have obtained access to two of the three requested off-site ponds for sample collection", and then asked "to collect these background samples now and wait to collect **the on-site samples**". Are you still planning on sampling the third background pond, and if so, are you proposing to also sample that pond during the second mobilization when you would collect the on-site samples as well? I just want to make sure that this third background pond is not forgotten.

Thanks.

From: Craig Ziady <craig@cummings.com>
Sent: Thursday, June 11, 2020 1:48 PM
To: Rodriguez, Sebastian <rodriguez.sebastian@epa.gov>
Cc: Zucker, Audrey <Zucker.Audrey@epa.gov>; Wainberg, Daniel <Wainberg.Daniel@epa.gov>; [bhaskins@fslassociates.com](mailto:bhoskins@fslassociates.com); Steve Drohosky <sjd@cummings.com>
Subject: sample collection - off-site ponds

Hi Sebastian – Hope all is well.

Quick question for you – we have obtained access to two of the three requested off-site ponds for sample collection, which we are prepared to perform at this time because the collection can be performed while still maintaining required social distancing. Is it acceptable to EPA for us to collect these background samples now and wait to collect the on-site samples until the distancing requirements are relaxed or eliminated, or do you prefer that all samples be collected at approximately the same time as part of the same mobilization?

If possible, we would like to try to make some progress on some open items in order to expedite overall resolution.

Thanks very much.

Best,

Craig

Craig J. Ziady
Senior Vice President & General Counsel
Cummings Properties, LLC
200 West Cummings Park
Woburn, MA 01801
Direct dial: 781-932-7034
Main No.: 781-935-8000
www.cummings.com

The information contained in this message may be privileged, confidential, and/or protected from disclosure. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it (and all attachments) from your computer.